

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6487

BILL NUMBER: HB 1067

DATE PREPARED: Dec 5, 2001

BILL AMENDED:

SUBJECT: Physical Therapists.

FISCAL ANALYST: Chris Baker

PHONE NUMBER: 232-9851

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill amends practices that are prohibited for a physical therapist. The bill requires that a physical therapist adhere to the profession's standard of ethics. It provides that certain restrictions apply if a person goes to a physical therapist without a referral, including the following: (1) The physical therapist must advise the person to immediately contact the person's own physician if 30 days have elapsed since the person's initial visit to any physical therapist for the same condition. (2) The physical therapist may not render a medical diagnosis. The bill also allows a physical therapist to subsequently treat a previously referred patient for the same condition. The bill makes conforming amendments.

Effective Date: July 1, 2002.

Explanation of State Expenditures: There may be costs associated with the printing of forms and other informative materials regarding these changes. These costs can be absorbed within the Health Professions Bureau budget.

Explanation of State Revenues: There are several new provisions in the bill that would constitute a Class B misdemeanor if a violation were to occur.

Current statute requires a referral from a licensed physician, podiatrist, psychologist, chiropractor, or dentist for a person to practice physical therapy. This bill eliminates this requirement and specifies other conditions on the practice of physical therapy. Violation of these new provisions would constitute a Class B misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Background: The Health Professions Bureau reports that 554 physical therapists, 126 physical therapist assistants, and 6 physical therapist corporations did not renew their license as of the most recent license renewal period. As of June 30, 2001, 4,625 physical therapists, 1,955 physical therapist assistants, and 32 physical therapist corporations held an active license with the Bureau.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Health Professions Bureau, Physical Therapy Committee.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Health Professions Bureau.